

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DAWN FROBE and RACHEL WIEST, individually,)	Civil Action No. 2:20-cv-957
)	
Plaintiffs,)	Chief Magistrate Judge Cynthia Reed Eddy
)	
vs.)	Filed Electronically
)	
UPMC ST. MARGARET,)	
)	
Defendant.)	JURY TRIAL DEMANDED

**MOTION TO COMPEL VIDEOCONFERENCING DEPOSITION DEPOSITION OF
SHEILA MEDER**

Plaintiffs DAWN FROBE and RACHEL WIEST, by and through their attorneys, Horne Daller, LLC, file this Motion to Compel Videoconferencing Depositions and in support thereof provide:

1. Plaintiffs have subpoenaed an out of state, non-party witness (Ms. Sheila Meder) to appear at a deposition scheduled for June, 18, 2021 at 10:00 a.m. A copy of the subpoena is attached as Exhibit 1.

2. Ms. Meder is located in Dunkirk, NY, more than 100 miles from the Western District of Pennsylvania.

3. Plaintiffs have issued the subpoena for attendance at a videoconferencing deposition through the use of Zoom.

4. Federal Rule of Civil Procedure 45(c)(1)(A) requires that a subpoena may command a person to attend a trial, hearing, or deposition within 100 miles of where the person resides, is employed, or regularly transacts business in person.

5. By arranging for a Zoom videoconferencing deposition, the witness is not being requested to travel beyond 100 miles of her residence or employment.

6. In addition, in the interest of safety due to the COVID-19 pandemic, the Western District Court's current Order restricts in-person proceedings. *See* Order of Hon. Mark J. Hornak dated 4/27/2021 (<https://www.pawd.uscourts.gov/court-operations-and-covid-19-administrative-orders>).

7. Further, this Honorable Court has not conducted any in-person proceedings in this matter to date.

8. Given the current status of the Western District in light of the COVID-19 pandemic and the desire for participants to safely provide testimony, Plaintiffs request this Court issue an Order directing the deposition of Ms. Meder in the above-captioned matter to occur by remote videoconferencing.

9. The parties have met and conferred concerning this Motion, and Plaintiffs' counsel has conferred with Ms. Meder's employer, Stericycle, Inc., through its counsel.

10. Defendant, UPMC, does not object to conducting the deposition through the use of videoconferencing.

11. Stericycle, Inc. has advised Plaintiffs that it specifically objects to this Motion to Compel to the extent it seeks its employee, Ms. Sheila Meder, to attend a deposition via videoconferencing. Specifically, Stericycle, Inc. objects for the reasons stated in its letter, attached here as Exhibit 2.

WHEREFORE, Plaintiffs DAWN FROBE and RACHEL WIEST respectfully request this Court GRANT their Motion and enter the attached Order directing Ms. Meder to appear at a deposition through the use of remote videoconferencing technology.

Respectfully submitted,
s/Nicole Daller

Nicole Daller, Esq. (Pa. 312224)
Vicki K. Horne, Esq. (Pa. 36578)
Samantha Kovalyak, Esq. (Pa. 328175)

HORNE DALLER LLC
1380 Old Freeport Road, Suite 3A
Pittsburgh, PA 15238
Phone: (412) 967-9400
Fax: (412) 967-0465
ndaller@hornedaller.com
vkhorne@hornedaller.com
skovalyak@hornedaller.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion was served on counsel listed below by e-mail on June 15, 2021.

Christopher K. Ramsey, Esq.
Morgan, Lewis, & Bockius LLP
One Oxford Centre, 32nd Floor
Pittsburgh, PA 15219
christopher.ramsey@morganlewis.com
Counsel for UPMC St. Margaret

Mikaela Shaw, Esq.
Morgan, Lewis & Bockius LLP
77 West Wacker Drive, Fifth Floor
Chicago, IL 60601
mikaela.shaw@morganlewis.com
Counsel for UPMC St. Margaret

Daniel Gomez-Sanchez, Esq.
Littler Mendelson P.C.
290 Broadhollow Road
Suite 305
Melville, NY 11747
Counsel for Sheila Meder

Respectfully submitted,
s/Nicole Daller
Nicole Daller, Esq. (Pa. 312224)
Vicki K. Horne, Esq. (Pa. 36578)
Samantha Kovalyak, Esq. (Pa. 328175)

HORNE DALLER LLC
1380 Old Freeport Road, Suite 3A
Pittsburgh, PA 15238
Phone: (412) 967-9400
Fax: (412) 967-0465
ndaller@hornedaller.com
vkhorne@hornedaller.com
skovalyak@hornedaller.com